

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

**ROBERT J. SACHS, JR.,**

**Plaintiff,**

**vs.**

**JO ANNE B. BARNHART,  
Commissioner of Social Security,**

**Defendant.**

**Case No. 1:05CV106 LMB**

**MEMORANDUM AND ORDER**

This is an action under 42 U.S.C. § 405(g) for judicial review of defendant's final decision denying Robert J. Sachs, Jr.'s application for Supplemental Security Income benefits under Title XVI of the Social Security Act. This case has been assigned to the undersigned United States Magistrate pursuant to the Civil Justice Reform Act and is being heard by consent of the parties. See 28 U.S.C. § 636(c). Currently pending is defendant's Motion to Remand (Document Number 5).

Defendant in her Motion to Remand informs the court that 77 pages of the record before the ALJ are missing from the medical record and must be reconstructed. In addition, defendant states that plaintiff has submitted new evidence to the Appeals Council which was not previously considered. Defendant requests remand of the case in order to conduct a supplemental hearing and issue a new decision.

Sentence six of 42 U.S.C. § 405(g) provides that "[t]he court may, on motion of the Secretary made for good cause before he files his answer, remand the case to the Secretary for further action by the Secretary . . ." After a remand under sentence six, the district court retains jurisdiction until the post-remand proceedings are completed and the Commissioner has filed the

results with the district court. See Shalala v. Schaefer, 509 U.S. 292, 298, 113 S.Ct. 2625, 2629, 125 L.Ed.2d 239 (1993).

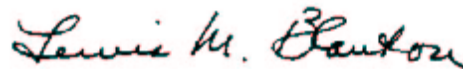
The courts finds that it is appropriate to remand this case in order to permit the Commissioner to take the action requested in her motion. Defendant has shown good cause why remand is warranted.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's Motion to Remand (Doc. No. 5) be **granted**.

**IT IS FURTHER ORDERED** that this case be **remanded** to the Commissioner for further proceedings pursuant to sentence six of 42 U.S.C. § 405(g) and that the court retain jurisdiction of the case and reserve final judgment until the parties have complied with the statutory post-remand requirements of 42 U.S.C. § 405(g).

Dated this 30th day of August, 2005.



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LEWIS M. BLANTON  
UNITED STATES MAGISTRATE JUDGE